

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5590 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

VASANTLAL N RANA

Versus

RAMESHCHANDRA MANOHARLAL

Appearance:

MR VM TRIVEDI for Petitioner

None present for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 12/02/98

ORAL JUDGEMENT

Heard the learned counsel for the petitioner and perused the order of the Labour Court, Surat, dated 28.8.86, passed in Recovery Application No.121 of 1986, annexure 'A' to this Special Civil Application.

2. The petitioner has approached to the Labour Court under Section 33C(2) of the Industrial Disputes Act,

1947, and what defence has been taken by him is that he has not been paid for piecemeal work done by him as per the Minimum Wages. The total claim of the petitioner before the Labour Court was for Rs.5,100.18, against which the respondent was directed to pay Rs.4,086.25, and rest of the claim has been rejected.

3. The learned counsel for the petitioner is unable to point out any illegality in the order impugned which calls for any interference of this Court. This is a petition under Article 227 of the Constitution of India and this Court may not be justified in extending its jurisdiction in all the cases. Under Article 227 of the Constitution of India, this Court cannot assume unlimited prerogative to correct all species of hardship or wrong decisions. It must be restricted to the cases of grave dereliction of duty and flagrant abuse of fundamental principles of law or justice, where grave injustice will be done unless this Court interferes. The learned counsel for the petitioner, on being asked by the Court is unable to satisfy how this claim of the petitioner could have been the subject matter of adjudication under Section 33C(2) of the Industrial Disputes Act, 1947. It is a matter where grievance has been made that the respondent has not paid wages for piecemeal work in accordance with Minimum Wages, and at the most if that is the claim then it would have been the subject matter under the Payment of Wages Act. However, otherwise also, I do not find any illegality in the order impugned which calls for interference of this Court as substantial claim of the petitioner has been accepted by the Labour Court. Taking into consideration the totality of the facts of this case, I do not find any merits in this Special Civil Application and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated. No order as to costs.

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(sunil)